

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

H. LESTER WALD and	)	
CHEMICAL MARKETING COMPANY, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. CIV-04-1693-C
	)	
MUDHOPPER OILFIELD SERVICES, INC. and	)	
MATTHEW W. BROOKS,	)	
	)	
Defendants.	)	

SECOND AMENDED COMPLAINT

1. The Plaintiff Wald is an individual residing within this District.

2. The Plaintiff Chemical Marketing Company, Inc. is a corporation organized under Oklahoma law having a residence within this District.

3. The Defendant Mudhopper is a corporation organized under Oklahoma law having a residence within this District.

4. The Defendant Brooks is an individual residing within this District.

5. Jurisdiction is based on 28 U.S.C. § 1338(a).

6. United States Patent No. 6,655,475 was issued on December 2, 2003.

7. At all times material hereto, the Plaintiff Wald has been the owner of U.S. Patent No. 6,655,475.

8. At all times material hereto, the Plaintiff Chemical Marketing Company, Inc. has been the exclusive licensee of U.S. Patent No. 6,655,475 from the Plaintiff Wald.

9. The Defendants, acting in concert, have infringed

U.S. Patent No. 6,655,475.

10. The Defendants, acting in concert, have actively induced infringement of U.S. Patent No. 6,655,475 by others, including customers of the Defendant Mudhopper.

11. The Defendant Brooks has actively induced infringement of U.S. Patent No. 6,655,475 by the Defendant Mudhopper.

12. The Defendants, acting in concert, have engaged in contributory infringement of U.S. Patent No. 6,655,475 by selling and offering to sell components, materials and apparatus, not a staple article or commodity of commerce suitable for substantial non-infringing use, for use in practicing U.S. Patent No. 6,655,475, such components, materials and apparatus constituting a material part of the patented invention. The Defendants have known the components, materials and apparatus to be especially made and adapted for use in infringing U.S. Patent No. 6,655,475.

13. The Plaintiff has complied with the marking requirements of 35 U.S.C. § 287(a).

14. The actions described in paragraphs 9, 10, 11 and 12 have been willful.

15. The Plaintiffs have been damaged by the actions described in paragraphs 9, 10, 11, 12 and 14.

The Plaintiffs request awards of damages, increased damages, interest, attorney fees and costs, an injunction against infringement, active inducement of infringement and contributory

infringement, an order impounding infringing articles, and all equipment and materials by means of which such infringing articles may be produced, and such other relief to which Plaintiffs are entitled.

s/ Gary Peterson  
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Attorney for Plaintiffs

A jury trial is demanded.

CERTIFICATE OF SERVICE

I certify that I electronically transmitted this document to the Clerk using the ECF System so as to cause transmittal of a Notice of a Electronic Filing to the following ECF registrant:

James T. Robinson

Attorney for Defendants, on September 6, 2005.

s/ Gary Peterson